

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

PRAGMATICPLAY INTERNATIONAL LTD.,
Falcon House Block E, High Street,
Sliema SLM1544, Malta,

Plaintiff,

v.

51PPGAME.COM,
9-PPGAMES.COM,
AG-PPGAMES.NET,
AG1-PPGAMES.NET,
FPPGAMES.COM,
HK0-PPGAMES.NET,
PLPGAMES.COM,
PP-GAME.NET,
PPGAME99.COM,
PPGAMERS.COM,
PPGAMES.COM,
PPGAMESLOT.COM,
PPGAMESOFPRAGMATICS.COM,
PPGAMESPRAGMATICS.COM,
PPGAMESPRAGMATIK.COM,
PPGAMESPRGMTC.COM,
PPGAMEZ.NET,
PPGAMEZ-API.NET,
PPGGAMES.COM,
PPSSSPPGAMES.COM,
PPYGAMES.COM,
SG1-PPGAMES.NET,
SG2-PPGAMES.NET,
SHOPPGAMESS.COM,
SPPGAMES.COM,
SW1-PPGAMES.NET,
TW1-PPGAMES.COM,
TW13-PPGAMES.NET,
TW14-PPGAMES.NET,
TW2-PPGAMES.NET,
TWPPGAMES.NET,
TW-PPGAMES.NET, and
AW1-PPGAMES.NET,
Internet Domain Names,

Defendants.

Civil Action No. 1:22-cv-1016 (RDA/IDD)

FIRST AMENDED COMPLAINT

Plaintiff PragmaticPlay International Ltd. (“PragmaticPlay”), through counsel, alleges as follows for its *in rem* First Amended Complaint¹ against Defendants 51PPGAME.COM, 9-PPGAMES.COM, AG-PPGAMES.NET, AG1-PPGAMES.NET, FPPGAMES.COM, HK0-PPGAMES.NET, PLPGAMES.COM, PP-GAME.NET, PPGAME99.COM, PPGAMERS.COM, PPGAMES.COM, PPGAMESLOT.COM, PPGAMESOFPRAGMATICS.COM, PPGAMESPRAGMATICS.COM, PPGAMESPRAGMATIK.COM, PPGAMESPRGMTC.COM, PPGAMEZ.NET, PPGAMEZ-API.NET, PPGGAMES.COM, PPSSSPPGAMES.COM, PPYGAMES.COM, SG1-PPGAMES.NET, SG2-PPGAMES.NET, SHOPPGAMESS.COM, SPPGAMES.COM, SW1-PPGAMES.NET, TW1-PPGAMES.COM, TW13-PPGAMES.NET, TW14-PPGAMES.NET, TW2-PPGAMES.NET, TWPPGAMES.NET, TW-PPGAMES.NET, and AW1-PPGAMES.NET (the “Defendant Domain Names”).

NATURE OF THE SUIT

1. This is an *in rem* action for cybersquatting under the Federal Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

2. Recent studies have shown that over 95% of the 500 most popular sites on the Internet are the subject of “typosquatting”—registration or use of a domain name that represents a typographical error of the legitimate site—and which is typically used to display advertisements related to the legitimate site, to distribute computer viruses or “malware,” to collect visitors’ personal information for inappropriate or illegal uses, or to send “business impersonation” emails.

¹ Plaintiff’s amendment, before service is effected, is to add an additional domain name.

3. Typosquatting harms consumers by causing confusion with the legitimate sites being sought by the consumers and very often results in consumers' computers being infected with computer viruses, "bloatware" or other unwanted software, consumer's personal information being collected and misused, and/or consumers being presented with an endless stream of unwanted advertisements.

4. In the present case, PragmaticPlay's invaluable rights in the distinctive PPGAMES mark have been deliberately infringed through the bad faith registration, use, and/or trafficking of the Defendant Domain Names, which domain names are confusingly similar to the PPGAMES mark.

PARTIES

5. PragmaticPlay International Limited is a Maltese corporation with a principal business address of Falcon House, Block E, High Street, Sliema SLM1544, Malta.

6. 51PPGAME.COM is an Internet domain name which, according to the WhoIs registration data, is registered to an individual named Li Zhao residing in China. A copy of the domain name registration record is attached hereto as Exhibit 1. The domain name consists of a common misspelling of PragmaticPlay's PPGAMES mark with the addition of nondistinctive numbering. Upon information and belief, the domain has been used to offer and/or promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

7. 9-PPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Domains By Proxy, LLC to conceal his/her/its identity and location. A copy of the domain name registration

record is attached hereto as Exhibit 2. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with the addition of nondistinctive numbering.

8. AG-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Whoisprotection.cc to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 3. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with the abbreviation for the geographically descriptive term "Antigua."

9. AG1-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 4. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with an abbreviation for the geographically descriptive term "Antigua" and nondescriptive numbering. Upon information and belief, the domain has been used to offer and/or promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

10. FPPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 5. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark. The website to which the domain resolves includes pay-per-click links, including links for "Games."

11. HK0-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service WhoIs Privacy Protection Service by MuuMuuDomain to conceal his/her/its identity and location. A

copy of the domain name registration record is attached hereto as Exhibit 6. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with an abbreviation for the geographically descriptive term for "Hong Kong."

12. PLPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Domains By Proxy, LLC to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 7. The domain name consists of a common misspelling of PragmaticPlay's PPGAMES mark.

13. PP-GAME.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 8. The domain name consists of a common misspelling of PragmaticPlay's PPGAMES mark. Upon information and belief, the domain has been used to offer and/or promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

14. PPGAME99.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Domain Protection Services, Inc. to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 9. The domain name consists of a common misspelling of PragmaticPlay's PPGAMES mark with the addition of nondistinctive numbering. The website to which the domain resolves offers online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

15. PPGAMERS.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 10. The domain name consists of a common misspelling of PragmaticPlay's PPGAMES mark. The website to which the domain resolves offers online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

16. PPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Privacy.Link to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 11. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark. The website to which the domain resolves offers pay-per-click links for online slot games.

17. PPGAMESLOT.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 12. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with a typo of the descriptive term "slot," which relates to PragmaticPlay's gaming services. The website to which the domain resolves offers online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

18. PPGAMESOFPRAGMATICS.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 13. The domain wholly incorporates

PragmaticPlay's protected PPGAMES mark with the term "of pragmatics," which is a reference to PragmaticPlay.

19. PPGAMESPRAGMATICS.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 14. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with a misspelling of the term "pragmatic," which is a reference to PragmaticPlay.

20. PPGAMESPRAGMATIK.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 15. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with a misspelling of the term "pragmatic," and which is a reference to PragmaticPlay.

21. PPGAMESPRGMTC.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 16. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with the term "PRGMTC," an abbreviation for "pragmatic," and which is a reference to PragmaticPlay. The website to which the domain resolves uses images from PragmaticPlay's games without authorization and offers and/or promotes online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

22. PPGAMEZ.net is an Internet domain name which, according to the WhoIs registration data, is registered to an individual named choikangsik who identifies themselves as residing in South Korea. A copy of the domain name registration record is attached hereto as Exhibit 17. The domain consists of a common misspelling of PragmaticPlay's protected PPGAMES mark. Upon information and belief, the domain has been used to offer and/or promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

23. PPGAMEZ-API.net is an Internet domain name which, according to the WhoIs registration data, is registered to an individual named Kim Joosung residing in South Korea. A copy of the domain name registration record is attached hereto as Exhibit 18. The domain consists of a common misspelling of PragmaticPlay's protected PPGAMES mark with an abbreviation of the descriptive term "application programming interface." The website to which the domain resolves offers pay-per-click links for various internet services.

24. PPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Domains By Proxy, LLC to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 19. The domain consists of a common misspelling of PragmaticPlay's protected PPGAMES mark. The website to which the domain resolves offers pay-per-click links for online games.

25. PPSSPPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration

record is attached hereto as Exhibit 20. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with the addition of nondistinctive letters.

26. PPYGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to a Chinese entity named Nexperian Holding Limited. A copy of the domain name registration record is attached hereto as Exhibit 21. The domain consists of a common misspelling of PragmaticPlay's protected PPGAMES mark.

27. SG1-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 22. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with the abbreviation for the geographically descriptive term "Singapore" and nondistinctive numbering.

28. SG2-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 23. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark with the abbreviation for the geographically descriptive term "Singapore" and nondistinctive numbering. Upon information and belief, the website to which the domain resolves offers and/or promotes online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

29. SHOPPGAMESS.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto

as Exhibit 24. The domain consists of a common misspelling of PragmaticPlay's protected PPGAMES mark with a typo of the descriptive term "shop."

30. SPPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 25. The domain consists of a common misspelling of PragmaticPlay's protected PPGAMES mark.

31. SW1-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 26. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark. Upon information and belief, the domain has been used to offer and/or promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

32. TW1-PPGAMES.com is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Domains By Proxy, LLC to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 27. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark.

33. TW13-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Domains By Proxy, LLC to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 28. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark. Upon information and belief, the domain has been used to offer and/or

promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

34. TW14-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Withheld for Privacy ehf to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 29. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark. Upon information and belief, the domain has been used to offer and/or promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

35. TW2-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service Whois Domain Admin to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 30. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark. Upon information and belief, the domain has been used to offer and/or promote online gaming services that are identical and/or similar and/or related to PragmaticPlay's gaming services.

36. TWPPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy Whoisprotection.cc to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 31. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark.

37. TW-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using the privacy service

Whoisprotection.cc to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 32. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark.

38. AW1-PPGAMES.net is an Internet domain name which, according to the WhoIs registration data, is registered to an unidentified person/entity using a privacy service to conceal his/her/its identity and location. A copy of the domain name registration record is attached hereto as Exhibit 33. The domain wholly incorporates PragmaticPlay's protected PPGAMES mark.

JURISDICTION AND VENUE

39. This is a civil action for federal cybersquatting in violation of the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d).

40. This Court has original jurisdiction under 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a).

41. This Court has *in rem* jurisdiction over the Defendant Domain Names pursuant to 15 U.S.C. § 1125(d)(2)(A). *In rem* jurisdiction is appropriate under 15 U.S.C. § 1125(d)(2)(A)(ii) because there is either no registrant field in the WhoIs record for the Defendant Domain Names, or where there is a registrant field, that field reflects a privacy service or, a fictitious person/entity, and/or an individual residing outside the United States, and therefore PragmaticPlay cannot obtain *in personam* jurisdiction over a person who would have been a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A) and/or PragmaticPlay, despite its due diligence, has been unable to find a person who would have been a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A).

42. Pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(aa), PragmaticPlay will give notice of the violations of its rights, and its intent to proceed *in rem*, to the contact addresses set forth in the registration records for each of the Defendant Domain Names.

43. Venue is proper in this District pursuant to 15 U.S.C. § 1125(d)(2)(C) in that the registry operator of the .COM and .NET domain registries, VeriSign, Inc., is situated in this judicial district, and the Defendant Domain Names are all .COM and .NET domain names.

44. Joinder of the Defendant Domain Names is proper under Fed. R. Civ. P. 20(a)(2) in that the *in rem* cybersquatting claim set forth herein appears to arise out of the same series of transactions, groups of the domains share registrars, hosts, and/or other common features indicative of common ownership or use, and the same questions of law are common to all of the Defendant Domain Names.

PRAGMATICPLAY'S RIGHTS

45. PragmaticPlay Limited, also known as PragmaticPlay International Limited, is a Maltese corporation formed with the Malta Business Registry on December 11, 2014. PragmaticPlay is a leading provider of mobile and desktop casino games for the online gaming industry.

46. In 2016, PragmaticPlay was issued a license by the Malta Gaming Authority to develop and supply games. Since then, PragmaticPlay has been actively and continuously developing, offering, and supplying games in numerous countries.

47. PragmaticPlay is also licensed in numerous markets around the world including, for example, the United States, Gibraltar, Romania, and the United Kingdom.

48. On June 7, 2021, PragmaticPlay registered the domain PPGames.net.

49. For the past 14 months, PragmaticPlay has used the domain PPGames.net as its official API domain.²

² An “API,” which is short for application programming interface, is a software intermediary that allows computer programs to communicate with each other.

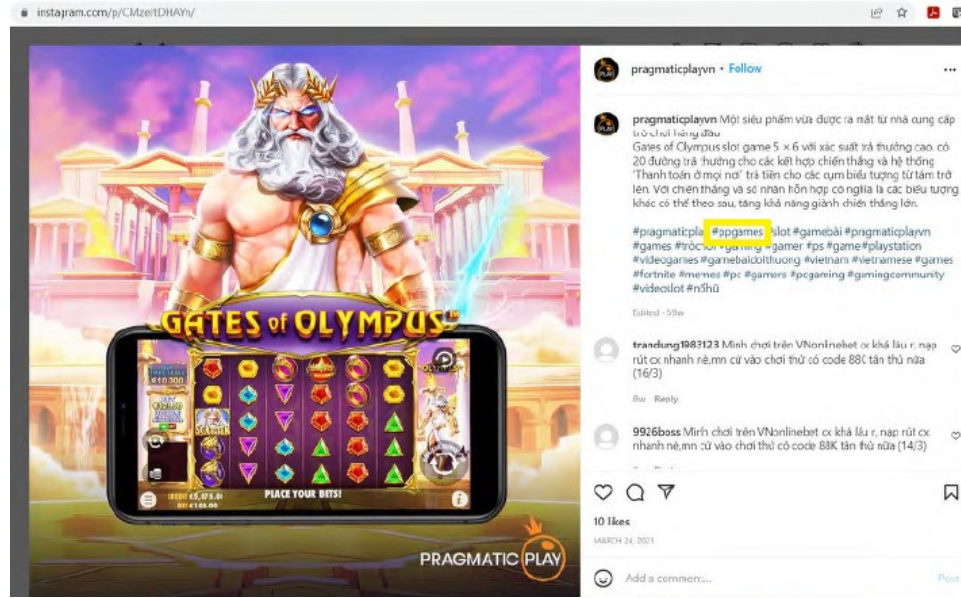
50. PragmaticPlay hosts administrative websites at backoffice.ppgames.net/admin, using the PPGAMES mark.

51. PragmaticPlay also uses the PPGAMES mark to promote its online casino games via advertisements on social media.

52. As a result of PragmaticPlay's efforts, the PPGAMES mark has become affiliated with PragmaticPlay's business operations and promotion of PragmaticPlay's games.

53. For example, legitimate promoters use the PPGAMES mark to advertise PragmaticPlay's online casino games on social media, including Twitter and Instagram, as demonstrated by the representative screenshots below:





54. Additionally, PragmaticPlay has defensively registered numerous PPGAMES formative domains, including PPGame.asia; PPGame.club; PPGames.asia; PPGames.club; PPGames.co; PPGames.id; PPGames.info; PPGames.net; PPGames.org; PPGames123.com; PPGames666.com; PPGames777.com; PPGames8.com; PPGames88.com; PPGames888.com; PPGames.ae.org; PPGames.com.de; PPGames.gb.net; PPGAMES.jp.com; PPGames.mex.com; PPGAMES.se.net; and PPGames.us.org.

55. Consumers have come to distinguish and recognize the legitimacy of PragmaticPlay's services as a result of the use and widespread promotion of the PPGAMES mark.

56. Likely due to the financial elements of online gaming, PragmaticPlay is constantly combatting malicious third parties' attempts to misuse the PPGAMES mark to confuse, mislead, and/or deceive consumers. To protect both its consumers and its valuable mark, PragmaticPlay has engaged in significant enforcement efforts relating to its intellectual property. Its efforts include defensive domain name registrations, administrative proceedings under the Uniform Domain-Name Dispute-Resolution Policy, take-down notices, and other litigation in this Court.

See PragmaticPlay International Ltd. v. 789pragmaticplay.com, No. 1:22-cv-835 (E.D. Va. July 22, 2022).

57. Based on PragmaticPlay's extensive use and promotion of the PPGAMES mark, and the recognition and goodwill the mark has achieved in the eyes of the consuming public, the PPGAMES mark is distinctive and/or famous, and is entitled to broad common law trademark rights.

58. The Defendant Domain Names represent unauthorized colorable imitations of the PPGAMES mark, which further demonstrates that the PPGAMES mark has acquired distinctiveness and was famous and/or distinctive prior to the time of registration of the Defendant Domain Names.

UNLAWFUL REGISTRATION AND/OR USE OF THE DOMAIN NAMES

59. The Defendant Domain Names all reflect wholesale incorporations and/or typographical errors of the PPGAMES mark.

60. Upon information and belief, the Defendant Domain Names were registered for the purpose of, *inter alia*, obtaining Internet visitors when such visitors were attempting to reach PragmaticPlay's services.

61. The Defendant Domain Names have been configured to display pay-per-click advertisements, for email services that could be used to impersonate PragmaticPlay, or to resolve to websites that display unauthorized copies and/or simulations of PragmaticPlay's intellectual property to mislead viewers into believing the site is affiliated with PragmaticPlay.

62. For those Defendant Domain Names engaged in pay-per-click advertising, upon information and belief, the registrant(s) of the Defendant Domain Names receive compensation when Internet visitors, who were attempting to reach PragmaticPlay's services, click on a link

provided by a Defendant Domain Name to a third-party website and/or when the Internet visitors are automatically redirected by a Defendant Domain Name to a third-party website for a sales solicitation.

63. For those Defendant Domain Names configured for email service, upon information and belief, the registrant(s) of the Defendant Domain Names have configured the Defendant Domain Names to be used to send email for the purpose of unlawful impersonation of PragmaticPlay.

64. For those Defendant Domain Names engaged in misrepresentation as affiliates of PragmaticPlay, upon information and belief, the registrant(s) of the Defendant Domain Names receive compensation when Internet visitors are directed to third-party gaming services, including monies collected from the deceived visitors. Upon information and belief, the misrepresentation is intended in some instances to divert consumers away from legitimate PragmaticPlay offerings to other gaming services including pirated PragmaticPlay software or imitations thereof; and intended in other instances to not offer gaming at all, but rather defraud consumers who are misled into believing that they are providing funds to engage in online gaming.

65. The aforementioned use of the PPGAMES mark within the Defendant Domain Names and/or associated websites is without authorization from PragmaticPlay.

66. Upon information and belief, the Defendant Domain Names do not and cannot reflect the legal name of the registrant(s) of the Defendant Domain Names.

67. Upon information and belief, the registrant(s) of the Defendant Domain Names have not engaged in bona fide noncommercial or fair use of the PPGAMES mark in a website accessible under the Defendant Domain Names.

68. The websites displayed by the registrant(s) of the Defendant Domain Names are likely to be confused with PragmaticPlay's legitimate online locations.

69. Upon information and belief, the registrant(s) of the Defendant Domain Names registered the Defendant Domain Names with intent to divert consumers away from PragmaticPlay's online locations, for commercial gain, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the Defendant Domain Names and the sites displayed through use of the Defendant Domain Names.

70. Upon information and belief, the registrant(s) of the Defendant Domain Names provided material and misleading false contact information when applying for and maintaining the registration of the Defendant Domain Names in that the person or entity identified as the registrant of the Defendant Domain Names is not the true owner of the Defendant Domain Names.

71. Upon information and belief, the registrant(s) of certain of the Defendant Domain Names use services that replace a domain name owner's contact information with names such as "REDACTED FOR PRIVACY," or the WhoIs records contain no registrant name field, and thereby conceal the identity of the true owner(s) of the domain name.

72. Upon information and belief, if the Defendant Domain Names were registered by different people or entities, the registrants of the Defendant Domain Names acted in concert given that groups of Defendant Domain Names were registered on the same date, have been registered with the same registrar, and/or resolve to reflect similar unlawful content. *See* Exs. 1-33.

COUNT ONE:
(Violation of the Federal Anti-Cybersquatting Consumer Protection Act)

73. PragmaticPlay repeats and realleges each and every allegation set forth in the foregoing paragraphs, as though fully set forth herein.

74. PragmaticPlay's PPGAMES mark is famous and/or distinctive and was famous and/or distinctive prior to the time of registration of the Defendant Domain Names.

75. The aforesaid acts by the registrant(s) of the Defendant Domain Names constitute registration, maintenance, trafficking in, and/or use of domain names that are confusingly similar to PragmaticPlay's PPGAMES mark, with bad faith intent to profit therefrom.

76. In light of the registrant's concealment of the identities of the true owners of the Defendant Domain Names and/or the registrant's location outside the United States, PragmaticPlay is not able to obtain *in personam* jurisdiction over the registrant(s) of the Defendant Domain Names or any other person who would have been a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A) or, alternatively, PragmaticPlay, despite its due diligence, has been unable to find a person who would have been a defendant in a civil action under 15 U.S.C. § 1125(d)(1)(A).

77. The aforesaid acts by the registrant(s) of the Defendant Domain Names constitutes unlawful cyberpiracy in violation of the Anti-Cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d)(1).

78. The aforesaid acts have caused, and are causing, great and irreparable harm to PragmaticPlay and the public. The harm to the public includes the potential for fraud stemming from these domains that are intended to mislead consumers into assuming an association with PragmaticPlay. The harm to PragmaticPlay includes harm to the value and goodwill associated with the PPGAMES mark that money cannot compensate. Unless permanently restrained and enjoined by this Court, said irreparable harm will continue. Thus, pursuant to 15 U.S.C. § 1125(d)(2)(D)(i), PragmaticPlay is entitled to an order directing the current registrars of the

Defendant Domain Names to be changed by the registries to PragmaticPlay's registrar of choice and directing the registrant(s) to be changed to PragmaticPlay.

PRAYER FOR RELIEF

WHEREFORE, PragmaticPlay respectfully requests of this Court:

1. That judgment be entered in favor of PragmaticPlay on its claim of cybersquatting;
2. That the Court order the domain registries for the Defendant Domain Names to change the registrars for the Defendant Domain Names to PragmaticPlay's registrar of choice and by such registrar's change of the registrant(s) to PragmaticPlay;
3. That the registrar of any other domain names registered by the registrant(s) of the Defendant Domain Names that resemble or include the PPGAMES mark be replaced with PragmaticPlay's registrar of choice and that such registrar change the registrant(s) to PragmaticPlay;
4. That the Court order an award of costs and reasonable attorney's fees incurred by PragmaticPlay in connection with this action pursuant to 15 U.S.C. § 1117(a); and
5. That the Court order an award to PragmaticPlay of such other and further relief as the Court may deem just and proper.

Dated: September 15, 2022

By: /s/ Attison L. Barnes, III
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